

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 11548 of 2004**

Between:

Banjara Yuvajana Seva Sangam, Rep. by its President Sri. B. Mangilal, S/o.  
Valya, aged 31 Years, R/o. Marrigudem Sarihaddu Thanda (Post) Budharam (M),  
Garla, Khammam District - 507210, AP.,

**..... PETITIONER**

AND

- 1 The Government of Andhra Pradesh, Rep. by Secretary,  
A.P. Housing Department, Secretariat Buildings, Hyderabad.
- 2 The Vice Chairman of Housing Commissioner, A.P.H.B.Gruhakalpa, M.J. Road,  
Hyderabad.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus and directing the respondent No.1,2 to declare the notification No.1756/EM8/EE/(WD)/2003, dt. 19-6-2004 is illegal, arbitrary, unjust and biased to towards well to do section of society and causing in justice to the SC/ST/BC, Women, Physically Challenged persons in not following the rule of reservation vulnerable sections of society it is irreparable loss to the SC/ST/BC, unemployed youth if this rule of reservation, applies this community also have the share in above A.P.H.B. constructed complex or otherwise public common interest is violating as per the Art. 14, 21 and 335 of the Constitution of India in not giving the rule of reservation to the SC/ST/BC, Women and Physically challenged people and to direct the respondents 1,2 to provide the reservations to above sections of society.

**Counsel for the Petitioner:MR.JOGRAM TEJAVAT**

**Counsel for the Respondent No.1: GP FOR HOUSING**

**Counsel for the Respondent No.2: Mr.J. Prabhakar.**

**The Court made the following :**

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**ORDER:** (per Hon'ble Sri Devinder Gupta, The Chief Justice)

Banjara Yuvajana Seva Sangham has filed this petition as "Public Interest Litigation" questioning the action of the respondent-Board in having issued Notification notifying certain shops for sale at Kukatpally. Petitioner is questioning the action of the respondents in issuing the impugned notification on the ground that the respondents have not made any reservation for persons belonging to SC/ST/BC and physically challenged persons while notifying the shops for sale. Therefore, petitioner alleges that the action of the respondents in auctioning the shops is arbitrary.

When the petition came up for consideration, we have asked the learned Counsel for the petitioner to point out any statutory rule or regulation under which the respondents are bound to make reservation in favour of specified classes of persons in the matter of sale of commercial buildings. Learned counsel for the petitioner has drawn our attention to the Andhra Pradesh Housing Board (Allotment, Management and Sale of Houses for Economically Weaker Sections) Regulations 1975 and urged that for allotment of house sites, rule of reservation is available to weaker sections of the society, more particularly, to Scheduled Caste/Scheduled Tribe/Backward Classes etc.

Reliance placed by the learned counsel on the regulations is totally misconceived in the sense that the regulations apply to such of the houses, which are constructed for economically weaker sections under a scheme and not to commercial sites. Respondent-Board is the body corporate under the provisions of the Andhra Pradesh Housing Board Act, 1956 and has absolute power and is governed by the provisions of the said Act. Chapter 3 of the Act relates to housing schemes. Each of the housing scheme is governed by separate regulations. Petitioner has not shown that commercial shops have been constructed under any of the Regulations, which has a reservation for SC/ST/BCs. Therefore, in the absence of the same, the petitioner cannot maintain this writ petition and seek directions

against the respondents for allotment of commercial sites.

The writ petition is accordingly dismissed.

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DEVINDER GUPTA, CJ.

21<sup>st</sup> July, 2004

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C.V.RAMULU, J.

Pnb/Jsu

To

1. The Secretary, Government of Andhra Pradesh, A.P. Housing Department, Secretariat Buildings, Hyderabad
2. The Vice Chairman of Housing Commissioner, A.P.H.B.Gruhakalpa, M.J. Road, Hyderabad.
3. 2 CCs to the Government Pleader for Housing, High Court Buildings, Hyderabad.(O.U.T)
4. 2 CD copies.